

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING MINUTES**

**DRAFT**

**DATE:** February 20, 2009

**TIME:** 9:00 am Both Days

**LOCATION:** Hilton Garden Inn  
1800 Powell Street  
Emeryville, CA 90045  
510-658-9300

**PRESENT:** LaFrancine Tate, Public Member, President  
Susanne Phillips, MSN, RN, APRN-BC, FNP, Vice-President  
Andrea Guillen Dutton, Public Member  
Nancy L. Beecham, RNC, BS  
Dian Harrison, Public Member

**ALSO PRESENT:** Ruth Ann Terry, MPH, RN, Executive Officer  
Heidi Goodman, Assistant Executive Officer  
Carol Stanford, Diversion/Probation Manager  
Stacie Berumen, Enforcement Program Manager  
Christina Sprigg, Administration Manager  
Louise Bailey, Supervising NEC  
Janette Wackerly, NEC  
Geri Nibbs, NEC  
Miyo Minato, NEC  
Maria Bedroni, Supervising NEC  
Melissa G. Crowell, Administrative Law Judge  
Hannah Hirsch Rose, Deputy Attorney General  
Char Sachson, Deputy Attorney General  
Norine Marks, DCA, Legal Counsel (2/19/09)  
LaVonne Powell, DCA Legal Counsel (2/20/09)  
Kimberly Ott, Enforcement Program  
Alcidia Valim, Recorder

**Thursday, February 19, 2009**

**1.0 CALL TO ORDER**

L. Tate, Board President, called the meeting to order at 9:20 am and had the Board Members introduce themselves. The Board welcomed students from De Anza College, Mission College, and Samuel Merritt College.

**2.0 DISCIPLINARY MATTERS**

The Board convened in closed session pursuant to Government Code Section 11126(c)(3) to deliberate on these matters and other disciplinary matters including stipulations and

proposed decisions, and pursuant to Government Code Section 11126(e)(1, 2(A)) to confer with Legal Counsel regarding pending litigation. Final decisions have not been processed.

**Reinstatement:**

Teresa Brennan	GRANTED
Esther Chung	DENIED
Burr Cook	GRANTED
Josephine Edu	GRANTED
Djuana Franks	GRANTED
David Habib	DENIED

Lunch Break 12:45 to 1:30

Christine Molasky	GRANTED
Christine Gotelli	GRANTED

**Closed Session Discussion Items**

L. Tate, Board President, called the closed session meeting to order at 3:25. The closed session adjourned at 5:45.

**Friday, February 20, 2009**

L. Tate, Board President, called the meeting to order at 9:00 am and had the Board Members introduce themselves. The Board welcomed students from Samuel Merritt College.

**3.0 OPEN FORUM**

Genevieve Clavreaul came forward with a comment.

**4.0 APPROVE/NOT APPROVE MINUTES OF:  
November 20-21, 2008, Board Meeting**

MSC: Dutton/Phillips that the Board approve minutes from November 20-21, 2008. 5/0/0

**5.0 REPORT ON BOARD MEMBERS' ACTIVITIES**

S. Phillips attended a meeting at the Los Angeles Unified School District for the School Nurses Association. S. Phillips and F. Tate attended Association of California Nurse Leaders (ACNL) Conference in Monterey, "Exploring the Treasures of Nurse Leadership."

**6.0 EXECUTIVE OFFICERS' REPORT ON BOARD AND DEPARTMENT  
ACTIVITIES**

R. Terry presented this report

**1.0 Governor's Executive Order S-16-08 – Employee Furlough**

The Governor's Executive Order S-16-08 ordered a two-day-a-month furlough of all state employees. The furlough is accomplished by closing down general State government operations on the first and third Fridays of each month starting February 1, 2009 thru June 30, 2010. State offices, including all Department of Consumer Affairs (DCA) offices are closed those two days. The Board posted the information on its Web site and telephone system.

## **2.0 Governor's Proposal – Consolidation, Realignment or Elimination of Boards and Bureaus**

As part of an effort to follow up on the work of the California Performance Review, the Governor proposes to merge smaller Boards or Bureaus into larger ones to eliminate redundancy, reduce costs and look for opportunities for efficiencies and savings. On December 31, 2008, Carrie Lopez, DCA Director and Scott Reid, DCA Chief Deputy Director held two conference calls, one with the executive officers and a second with board presidents to outline the consolidation, realignment, or elimination of a number of boards and bureaus. One of the proposals includes the consolidation of the Board of Vocational Nursing and Psychiatric Technicians with the Board of Registered Nursing.

On January 21, 2009, DCA held a Stakeholders Meeting in Sacramento to begin the dialogue with representatives from the various professions that are being considered for consolidation, realignment or elimination. This proposal is still in development and is subject to change; however, attached is the latest information that is found on the Legislative Analyst Office Web site at [www.lao.ca.gov](http://www.lao.ca.gov).

## **3.0 Board's Budget Update**

### **2009/2010 BRN Budget and Reserve**

Governor's budget for FY 2009/2010 is \$25.1 million with 105.3 net PYs after salary savings. The Board's Fund Condition for FY 2007/2008 had a reserve of 10.9 months. Projections for current year 2008/2009 show a reserve of 8.4 months and 6.9 months for budget year 2009/2010. It is anticipated our reserve will be down to 4.9 the following FY 2010/2011 at which time a fee increase will be necessary.

### **Current Year Budget Projections**

The Board's current year budget is going to be very tight and is being monitored to maintain the business of the Board and ensuring only necessary expenditures are being made. The Board expended 48% of its budget in the first six months of this FY. As a result of the Emergency Regulation requiring an RN licensed before August 1990 submit fingerprints to the California Department of Justice (DOJ) and the FBI as well as responding to the conviction question that are now required at the time of license renewal the Board is absorbing the cost of 4.4 PYs, AG and OAH cost totaling \$529,000 for the remainder of this year.

### **Budget Summary**

2008/2009 Gov's Budget \$24,138,194	2008/2009 Projected Expenditures \$24,127,116	2008/2009 Year to Date Expenditures \$11,611,198
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## **4.0 Renewal Process Update - Fingerprinting and Conviction Question**

The Board has implemented the new procedures and updated all systems to address the changes to the California Code of Regulations Sections 1419, 1419.1 and 1419.3; requiring the submission of fingerprints for RNs who were issued their license prior to August 1990, and the disclosure of a conviction since the last license renewal. Since the implementation of these new requirements the Board has experienced a 25% increase in the number of calls received in the Call Center compared to the same time last year. Additionally, as licensees comply with the fingerprint requirement the Board is receiving between 900 and 1500 DOJ and FBI fingerprint responses a day.

## **5.0 Department of Consumer Affairs (DCA) Updates**

Board Member Orientation – In accordance with Business and Professions Code Section 453, Board Members are required to attend DCA’s Board Member Orientation within one year of their appointment. The next Board Member Orientation is set for Wednesday, April 22, 2009 in Southern California from 8:30 am to 4:30 pm.

BreEZE (formerly known as the iLicensing Project) – The Department’s efforts continue to provide a new on-line licensing system that will allow applicants and licensees to file their respective application on line and use a credit or debit card. The bid proposal evaluations are complete; however, due to errors discovered in the request for proposal, these bids were declared second drafts. DCA amended the RFP and allowed the bidders to revise and resubmit their proposals on February 10, 2009. This change delayed the final contract awards by approximately three months and the revised contract start date is November 13, 2009.

“Take Charge California” Campaign - Be Smart, Be Safe, Be Heard! This is the primary message of “Take Charge California”, an exciting consumer education and empowerment campaign being developed by DCA. The campaign will offer consumers the information, resources and assistance they need to make informed and appropriate choices that insure the best possible outcomes for them. It will also help consumers learn the power of their voices in the marketplace and teach them how to effectively complain if they are dissatisfied. The keystone of the campaign will be an exciting, interactive, and cross-jurisdictional website that will ultimately become a one-stop-shop for consumers.

PACT- Healing Arts Roundtable – During the November 2008 Board Meeting, we had the opportunity to participate in the first Professionals Achieving Consumer Trust (PACT) Summit held in Los Angeles. With the anticipation of the next PACT Summit in early 2010, DCA is hosting the Healing Arts Roundtable in mid-April and an agenda will forthcoming. This meeting is taking place in Sacramento at DCA headquarters and board presidents, vice presidents, executive officers, and interested board members are invited to attend. This program is structured to provide the leadership of the healing arts boards an opportunity to discuss cross-cutting issue that may include: impact of recession on shortages of licensed professionals, disaster recovery, disposal of medical/pharmaceutical waste, inactive licenses, disparities of care in communities, challenges licensing candidates trained outside of the U.S., substance abuse and addiction among licensed professionals, and establishing wellness/self care programs for professionals.

## **6.0 Public Record Request**

The Board continues to comply with public record request and responds within the required timeframes that are set in Government Code Section 6250. For the period of November 10, 2008 through January 30, 2009, the Board has received and processed 28 public record requests.

## **7.0 Personnel**

The following personnel changes have transpired since the last Board Meeting:

### **New Hires Classification Board Program**

Laura Dobbs Office Assistant Renewals  
Rita Rickard Office Assistant Renewals  
Truyen Le Key Data Operator Licensing  
Sheila Granby AGPA Probation  
Lorraine Clarke AGPA Enforcement  
Cathy Alston Mgmt Services Technician Enforcement  
Kathy Hodge Staff Services Mgr I Enforcement

### **Promotions Classification Board Program**

Rosa Garcia-Farman OSS II Call Center  
Marc Cardenas OSS II Licensing  
Nanette Miller Program Tech II Call Center  
Kamini Narayan Program Tech II Call Center

## **7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE**

L. Tate, Chairperson

### **7.1 Information Only: Presentation of the 2008 Annual Report from the Health Professions Education Foundation for the Scholarship and Loan Repayment Awards Program**

R. Terry presented this report

The purpose of the Scholarship and Loan Repayment Awards Program for Registered Nurses is to ensure that funds are available to support the education of Registered Nurses in Associate and Baccalaureate degree nursing programs in counties with the highest need. The Programs are funded by the Registered Nurses Education Fund, supported through a \$10 surcharge on Registered Nurse licensure renewals. The Registered Nurses Education Fund was established through Senate Bill 1267 (Maddy, Chapter 252, Statutes of 1988) to address the shortage of registered nurses available to practice direct patient care in medically underserved areas of California. The Health Professions Education Foundation (Foundation) administers the Scholarship and Loan Repayment Awards program.

### **7.2 Adopt/Not Adopt: Amendments to 16 CCR §§ 1419, 1419.1, and 1419.3, requiring fingerprinting and other conditions of renewal**

G. Nibbs presented this report

The Board approved adoption of emergency regulations requiring fingerprinting of registered nurses and disclosure of convictions, with specified exceptions, at the time of license renewal. The Office of Administrative Law (OAL) approved the regulations, effective November 24, 2008. The Board has until May 26, 2009, to adopt the regulations through the regular regulatory process for them to become permanent. Accordingly, staff has proceeded with the regular rulemaking process.

The text of the proposed regulations, which is attached, is different from that approved by the Board at its October 23, 2008 meeting. Specifically, a requirement that renewal applicants disclose discipline of any other license, since last renewal, was added. The Board probably has authority to require disclosure of the information pursuant to existing statute and regulation; however, addition of the language provides clear authority to do so. Requiring the information enhances the Board's ability to protect consumers. Furthermore, the Department of Consumer Affairs has required that all boards and bureaus include the license discipline disclosure item on license renewal applications. Several other non-substantive changes have been made, as indicated.

With respect to the regulatory process, the Notice was published in the Regulatory Notice Register and a public hearing was held February 17, 2009. Thus far, we have received 17 e-mails (10 questions and 7 comments) regarding the regulatory proposals, as follows:

#### **Questions**

- 7 stating they had been fingerprinted by another agency, and wanting to know if they had to be fingerprinted for the BRN.
- 3 fingerprinted previously or not sure if fingerprinted, wanting to know what to do

#### **Comments**

- 4 opposed to the regulations, because unnecessary, waste of money and/or time
- 2 good idea
- 1 seeking clarity about circumstances under which the fingerprint requirement is waived.

Comments received at the public hearing were presented at the Board meeting.

President LaFrancine Tate requested a motion to adopt the proposed language as presented in the board packet and, after review of both oral and written comments, reject all comments requesting amendments to the proposed language for the following reasons:

1. In response to the comments that the proposed regulation is not necessary, the Board believes it is necessary to protect the public by requiring all registered nurses to be fingerprinted so that the Board receives subsequent arrest information;
2. In response to the comment that the regulation discriminates against older nurses and those who have been licensed for a long period of time, the Board believes the proposed regulation is not discriminatory because it will require all licensees to be fingerprinted regardless of the date he or she received a license; and
3. In response to the comment that the Board may end up collecting conviction information that it cannot use to discipline a license, the Board believes that it is necessary to collect information on all minor traffic violations over \$300 because the Board can investigate the underlying facts in the case and use that as a basis to file disciplinary charges against a license. This is similar to the Board receiving a subsequent arrest report that must be investigated before the Board may take any action.

MSC: Phillips/Dutton that the Board adopt the proposed language as presented in the board packet and, after review of both oral and written comments, reject all comments requesting amendments to Title 16 CCR §§ 1419, 1419.1, and 1419.3, requiring fingerprinting and other conditions of renewal. 5/0/0

### **7.3 Information Only: Update on BRN 2008 Regulatory Action BRN 2009 Regulatory Calendar**

G. Nibbs presented this report

#### **Fingerprinting and Conviction Disclosure Requirements, CCR 1419, 1419.1, 1419.3**

At a specially scheduled Board meeting on October 23, 2008, the Board approved emergency regulations that require the fingerprinting of all registered nurses who were not previously fingerprinted by the Board or for whom a fingerprint record no longer exists. The regulation applies primarily to registered nurse licensed prior to August 1990, since fingerprints were not required for licensure prior to that date or the records are no longer available. The requirement is effective at the time of license renewal for licenses that expire on or after March 1, 2009. In addition, the amendments require that, upon license renewal, all licensees disclose whether they have been convicted of any violation of law, with specified exceptions, since they last renewed their license. The emergency regulatory action was approved by the Office of Administrative Law (OAL) effective November 24, 2008, and expires May 26, 2009.

In order for the regulations to become permanent, the Board must adopt the emergency regulations through the regular rulemaking process. The regular rulemaking process for the regulations has proceeded; the notice of proposed regulatory action was published in the Regulatory Notice Register and a public hearing was held February 17, 2009. Board action to adopt/not adopt amending the regulations to require disclosure of other license discipline, at the time of license renewal, was a Board agenda item at this meeting. The regulatory process must be completed prior to expiration of the emergency regulations.

**Schools of Nursing/Nursing Programs, CCR Article 3, Section 1420, et seq.** At its September 2008 meeting, the Board approved the proposed amendments of Article 3, and

authorized staff to make non-substantive changes, as necessary, and to proceed with the rulemaking process. However, in addition to several non-substantive changes, staff identified substantive changes that require Board approval. The regulatory proposal is being submitted for action at today's Board meeting.

The proposed amendments clarify and strengthen the authority, responsibility, and accountability of the nursing program director; establish a minimum passage rate of 75% for first time licensing examination candidates as an approval criterion; delineate requirements for a Board-approved preceptor course; and incorporate by reference several Board documents, including the instructions for proposed new nursing programs. The development of the regulatory proposal has been lengthy and has provided multiple opportunities for public input. The initial version of the proposed amended Article was distributed to directors of Board-approved pre-licensure nursing programs. Additionally, in the later part of 2008, the proposed amendments that were presented for Education/Licensing Committee (ELC) or Board action were available on the Board's website. Public forums were held in May 2008 in Los Angeles and Sacramento, and the public was afforded an opportunity to comment at the ELC and Board meetings. The proposed regulations were revised, as necessary and appropriate, to incorporate public comments.

**Disciplinary Guidelines, CCR Section 1444.5:** The Board's "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" are incorporated by reference in CCR Section 1444.5. The Board has approved revisions for the "Introductory Language and Standard Probation Conditions" section and the Mental Health Examination condition. Staff is working on proposed revisions for the remaining sections, and will submit to the Diversion/Discipline Committee August 2009.

**2009 Regulatory Calendar:** State agencies are required to submit a rulemaking calendar annually to OAL for publication in the California Regulatory Register. The rulemaking calendar, which describes projected changes to the California Code of Regulations, was submitted to OAL prior to the February 13, 2009, due date, and will be posted on both the BRN and OAL websites. The calendar included six (6) items:

**(1) Amend the schools of nursing/nursing programs regulations.**

**(2) Amend the Disciplinary Guidelines regulations.**

**(3) Adopt Article 10, Clinical Nurse Specialists regulations,** which were approved by the Board September 2007.

**(4) Registered Nurse License Application, CCR Section 1410:** Amend the regulation to include requirement that applicants for licensure with non-English, non-U.S. transcripts and academic documents must, under specified circumstances, provide the documents translated into English by an independent, professional translator.

**(5) Pharmacology Course for Furnishing of Drugs and Devices, Adopt Section:** Adopt regulations specifying the pharmacology course requirements that must be completed by nurse practitioners and nurse-midwives to furnish drugs and devices, and specifying the requirements necessary for nurse practitioners to furnish Schedule II controlled substances.

**(6) Disclosure Policy, Adopt Section:** Place the "BRN Disclosure Policy" for disciplinary matters in regulations.

## **8.0 REPORT OF THE LEGISLATIVE COMMITTEE**

- L. Tate, Chairperson
- 8.1 Information Only: 2007-2008 Goals and Objectives: Summary of Accomplishments**
- L. Bailey presented this report

### **Goals and Objectives**

**GOAL 1: Keep the Board of Registered Nursing informed about pertinent legislation and regulations that may affect nursing practice, education, and nurses' roles in the delivery of health care and administrative functions of the Board.**

OBJECTIVE: 1.1 Analyze legislative proposals and make position recommendations to the Board at each Board meeting.

The committee provided information and analyses of each bill followed, and made recommendations to the Board at each Board meeting. During the 2007/2008 Legislative Session, many bills of general interest to the Board or those having potential impact on the administration of the Board were followed. There were forty-four (44) bills followed by the Board, twelve (12) were signed into law by the Governor, six (6) were vetoed and twenty-six (26) failed in committees or were no longer applicable to the Board.

**GOAL 2: Monitor current legislation on behalf of the Board.**

OBJECTIVE: 2.1 Advocate for or against legislation as directed by the Board.

The committee monitored legislative bills and advocated for bills supported by the Board and voiced the concerns for those bills in opposition.

- Committee staff continued to respond to public inquires concerning bills followed by the Board.
- Numerous legislative Committee hearings, concerning bills followed by the Board, were attended.

OBJECTIVE: 2.2 Review and suggest appropriate amendments as necessary.

The committee staff participated in recommending and writing amendments to specific bills relative to Board action.

- Committee staff attended legislative meetings and communicated with legislator's staff to articulate the Board's position on specific bills.
- Committee staff sent letters to various senators and assembly members expressing the Board's position of support or opposition to their respective bills.
- The Governor was sent letters requesting that specific bills, relative to the Board of Registered Nursing and consistent with Board's action, be signed or vetoed.

**GOAL 3: Serve as a resource to other Board Committees on legislative and regulatory matters.**

OBJECTIVE: 3.1 Assist other Board Committees in reviewing legislative regulatory proposals.

The committee staff served as a resource to other Board Committee members and committee liaisons concerning legislative issues that impacted their respective committees.



The following are examples of issues and projects on which the Committee staff collaborated with other committees and/or staff:

- School bus drivers: Medical examinations (Bass) - Nursing Practice Committee
- Public Health: Confidential medical information (Jones) – Nursing Practice Committee
- Public Health: Individuals with exceptional needs (Saldana) – Nursing Practice Committee
- Dental Auxiliaries (Eng) – Nursing Practice Committee
- Blood Transfusions (Migden) – Nursing Practice Committee
- Public Postsecondary Education: Degree Nursing Programs (Berryhill) – Education/Licensing Committee
- Nursing Education (Scott) – Education/Licensing Committee
- Nursing Programs (Scott) – Education/Licensing Committee
- Nursing Education (Ashburn) – Education/Licensing Committee
- Healing Arts Practitioners: Alcohol and Drug Abuse (Ridley-Thomas) – Diversion/Discipline Committee
- Healing Arts (Committee on Business Professions & Education) – Administrative Committee
- Nursing Training Scholarship Pilot Program (Parra) – Administrative Committee

#### **GOAL 4: Enhance the Board's process to proactively identify Legislation that potentially impacts nursing and the Board**

OBJECTIVE: 4.1 Evaluate additional resources, e.g. Internet, new legislative publications, etc, as sources of pertinent legislative information.

Staff utilized the California Legislative Information maintained by the Legislative Council on the Internet, as well as State Net. Legislative publications from various associations, and state publications, were also used as resources for legislative activities.

OBJECTIVE: 4.2 Maintain consistent dialogues with Department of Consumer Affairs (DCA) Legislative Unit, Legislators and their staff.

The committee was proactive in identifying and monitoring legislation relative to the Board.

- Committee staff communicated frequently and regularly with DCA Legislative staff to identify proposed legislation and its potential impact on the BRN.
- Committee staff met and communicated frequently with organizations, and sponsors of legislation to articulate and clarify issues relative to the BRN.
- Committee staff met with the Associate Degree Nursing Program Directors and the Baccalaureate Degree Nursing Program Directors and presented proposed legislation that impacted the programs.
- Committee staff communicated with other state departments, relative to legislation impacting the BRN.

## **8.2 Information Only: 2007-2008 Legislative Session Summary**

L. Bailey presented this report

During the 2007/2008 Legislative Session, many bills of general interest to the Board or those having potential impact on the administration of the Board were followed. Although these bills address many subjects, each affects registered nursing in some way. There were forty-four (44) bills followed by the Board, twelve (12) were signed into law by the

Governor, six (6) were vetoed and twenty-six (26) failed in committees or were no longer applicable to the Board. The following is a brief description of the chaptered bills followed by the Board. Unless otherwise stated, the statutes of 2007 became effective January 1, 2008, and the statutes of 2008 became effective January 1, 2009.

- AB 139 (Bass), Chapter 158, Statutes of 2007  
Vehicles: School bus drivers: Medical examinations
- AB 211 (Jones), Chapter 602, Statutes of 2008  
Public Health: Confidential medical information
- AB 342 (Saldana), Chapter 12, Statutes of 2007  
Pupil Health: Individuals with exceptional needs
- AB 994 (Parra), Chapter 426, Statutes of 2008  
Health Care: Nursing Training Scholarship Pilot Program
- AB 1559 (Berryhill), Chapter 712, Statutes of 2007  
Public Postsecondary Education: Degree Nursing Programs
- AB 2637 (Eng), Chapter 499, Statutes of 2008  
Dental Auxiliaries
- SB 102 (Migden), Chapter 88, Statutes of 2007  
Blood Transfusions
- SB 139 (Scott), Chapter 139, Statutes of 2007  
Nursing Education
- SB 1048 (Committee on Business Professions & Education), Chapter 588, Statutes of 2007  
Healing Arts
- SB1393 (Scott), Chapter 175, Statutes of 2008  
Nursing Programs
- SB 1441 (Ridley-Thomas), Chapter 283, Statute of 2008  
Healing Arts Practitioners: Alcohol and Drug Abuse
- SB 1621 (Ashburn), Chapter 183, Statute of 2008  
Nursing Education

### **8.3 Approve/Not Approve: Goals and Objectives for the two year Legislative Session 2009-2010**

L. Bailey presented this report

**GOAL 1: Keep the Board of Registered Nursing informed about pertinent legislation that may affect nursing practice, education, nurses' roles in the delivery of health care and administrative functions of the Board.**

OBJECTIVE: 1.1 Analyze legislative proposals and make position recommendations to the Board at each Board meeting.

**GOAL 2: Monitor current legislation on behalf of the Board.**

OBJECTIVE: 2.1 Advocate for or against legislation as directed by the Board.

OBJECTIVE: 2.2 Review and suggest appropriate amendments as necessary.

**GOAL 3: Serve as a resource to other Board Committees on legislative and regulatory matters.**

OBJECTIVE: 3.1 Assist other Board Committees in reviewing legislative and regulatory proposals.

**GOAL 4: Enhance the Board's process to proactively identify legislation that potentially impacts nursing and the Board.**

OBJECTIVE: 4.1 Evaluate resources, e.g. Internet, new legislative publications, etc., as sources of pertinent legislative information.

OBJECTIVE: 4.2 Maintain consistent dialogue with DCA legislative unit, legislators and their staff.

OBJECTIVE 4.3 Provide testimony to the Legislature, on behalf of the Board, as requested.

MSC: Dutton/Harrison that the Board approve Goals and Objectives for the two year Legislative Session 2009-2010. 5/0/0

**8.4 Adopt/Modify Positions on Bills of Interest to the Board**

L. Bailey presented this report

AB 48 Portantino and Niello: Private Postsecondary Education: DCA

MSC: Phillips/Beecham that the Board watch AB 48. 5/0/0

AB 120 Hayashi: Health Care Providers: Responsible Disclosure: Reproductive Choices

Bill dropped

AB 160 Hayashi: Registered Nurses: Education Program

MSC: Phillips/Harrison that the Board watch AB 160. 5/0/0

SB 43 Alquist: Health Professions

MSC: Harrison/Phillips that the Board watch SB 43. 5/0/0

SB 92 Aanestad: Health Care Reform

MSC: Phillips/Beecham that the Board watch SB 92. 5/0/0

SB 112 Oropeza: Hemodialysis Technicians

MSC: Phillips/Harrison that the Board support SB 112. 5/0/0

**9.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE**

A. Dutton, Chairperson

**9.1 Information Only: Enforcement Program Update and Statistics**

S. Berumen presented this report

**PROGRAM UPDATE:** The Office of Administrative Law approved the emergency regulation change on November 24, 2008. The regulation authorizes the board to require licensees to submit fingerprints in order to conduct a state and federal criminal history record search as a condition of renewal. Licensees are also required to certify on the renewal form that they have complied with this requirement.

The board is also authorized to ask licensees on the renewal form whether or not they have been convicted of a crime since the last time they renewed their license. Enforcement staff are in the process of entering this information into our computer systems and gathering data to better determine what types of violations have occurred as well as whether or not any type of disciplinary action will be taken against a licensee.

It is uncertain how many additional complaints will result by asking the conviction question and reviewing fingerprint rap sheets but it is anticipated that this could significantly increase the workload in Enforcement.

**STATISTICS:** Enforcement Program statistics for the first half of the fiscal year (July through November 2008) were presented.

Early projections show that the number of complaints received could be the highest the board has ever received at 4,752 which is 22% higher than last year's record number of 3,900.

The number of citations issued so far this year has surpassed the number issued last year due to licensees who have not complied with their continuing education requirement for license renewal. Additionally, citations could increase for those renewal applicants who fail to disclose a conviction on their application; but their conviction does not rise to the level of pursuing disciplinary action.

We will continue to closely monitor all enforcement statistics as a result of implementing the board's new fingerprint and conviction question requirements.

## **9.2 Information Only: Diversion Program Update and Statistics**

C. Stanford presented this report

### **Program Update**

SB 1441 was chaptered on September 28, 2008, that establishes the Substance Abuse Coordination Committee within the Department of Consumer Affairs. During November 2008, DCA Director Carrie Lopez met with the Executive Officers and Diversion Program Managers from the Boards and Committees that will participate in this newly created Committee. The attendees discussed the policy requirements necessary to assist in the development of specific uniform standards for managing substance-abusing licensees.

### **Contract Update**

On December 3, 2008, DCA made the decision to not pursue the appeal of the pending Superior Court case regarding the intent to award the Diversion Program Contract. The Diversion Program Manager met with the legal and contract offices to determine the next steps that will be taken as all bids from the last RFP were rejected in the best interest of the State. It is anticipated that a new RFP will be developed and released later this year and the existing contract with Maximus will be extended for an additional 6 months.

### **Diversion Evaluation Committees (DEC)**

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

### **Statistics**

A copy of the Monthly Statistical Summary Report for September, October and November 2008 was provided for review. As of November 30, 2008, there were 1351 successful completions in the Diversion Program.

## **9.3 Information Only: Probation Program Update and Statistics**

C. Stanford presented this report

### **Program Update**

Kathy Bazil, a Probation Monitor (AGPA) who has worked for the Board of Registered Nursing for 10 years and for the State of California for over 25 years, retired December 29, 2008. Kathy spent the majority of her state career working to protect the consumers of California by working for the Board and the Division of Investigation. Interviews have been conducted for her vacant position and we hope to fill it within the next month.

### **Statistics**

Below are the current statistics for the Probation Program through December 31, 2008.

MALE	120
FEMALE	347
CHEMICAL DEPENDENCY CASES	257
PRACTICE CASES	161
SOUTHERN CALIFORNIA	241
NORTHERN CALIFORNIA	226
PENDING AT THE AG	76
ADVANCED CERTIFICATES	35
REVOKED OR SURRENDERS (Jan. – Dec. 2008)	55
<b>TOTAL IN-STATE PROBATIONERS</b>	<b>467</b>

**9.4 Diversion Evaluation Committee: (a) Approve/Not Approve: Diversion Evaluation Committee Member Appointment**

C. Stanford presented this report

In accordance with Business and Professions Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees (DEC). Each DEC is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

**Diversion Evaluation Committee Member Appointment**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Cathy Horowitz	Nurse	Sacramento	1

MSC: Beecham/Phillips that the Board approve Diversion Evaluation Committee Member Appointment. 5/0/0

**9.5 Information Only: Diversion Evaluation Committee Member Resignation**

C. Stanford presented this report

**Diversion Evaluation Committee Member Resignation**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Bernardine Irwin	Nurse	Ontario	9

**10.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE**

S. Phillips, Chairperson

**10.1 Ratify Minor Curriculum Revisions**

M. Minato presented this report

According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

Minor Curriculum revisions include the following categories:

- Curriculum changes
- Work Study programs

- Preceptor programs
- Public Health Nurse (PHN) certificate programs
- Progress reports that are not related to continuing approval
- Approved Nurse Practitioner program adding a category of specialization

The following programs have submitted minor curriculum revisions that have been approved by the NECs:

- 10.1.1 Contra Costa College Associate Degree Nursing Program
- 10.1.2 Gavilan College LVN to RN Associate Degree Nursing Program
- 10.1.3 Mount Saint Mary's College Associate Degree Nursing Program
- 10.1.4 Mount San Antonio College Associate Degree Nursing Program
- 10.1.5 Pasadena City College Associate Degree Nursing Program
- 10.1.6 Santa Rosa Junior College Associate Degree Nursing Program
- 10.1.7 Western Career College LVN-RN Associate Degree Nursing Program

MSC: Beecham/Harrison that the Board Ratify Minor Curriculum Revisions. 5/0/0

## **10.2 Approve/Not Approve: Education/Licensing Committee Recommendations**

M. Minato presented this report

The Education/Licensing Committee met on January 15, 2009 and makes the following recommendations.

Continue Approval of Nursing Program

- Contra Costa College Associate Degree Nursing Program
- Gavilan College LVN to RN Associate Degree Nursing Program

MSC: Beecham/Dutton that the Board approve Education/Licensing Committee recommendations. 5/0/0

## **10.3 Approve/Not Approve Proposed Amendments and Additions to Regulations, Title 16, Division 14, Article 3, California Code of Regulations, Schools of Nursing**

M. Minato presented this report

At the September 19, 2008 Board meeting, the Board approved the proposed changes and additions to the regulations in Title 16, Division 14, Article 3, sections 1420 to 1430 with direction that non-substantive changes may be made by the staff and to proceed with the process for the regulatory changes. The Board also approved instructions and guidelines that were referenced in the proposed changes.

The proposed changes are being presented to keep the Board updated on the changes and to inform the Board of a substantive change that was made to the definition of "Institution of Higher Education" and revisions made to new sections 1426.1 Preceptorship and changes to 1430 Advanced Placement, renamed "Previous Education Credit."

The foremost significant change is in section 1420(j), definition of "Institution of higher education" that received comments from accrediting organizations and the public at previous committee and board meetings. The new definition reads "Institution of higher education" means an educational setting that provides post-secondary or higher education, such as a university, a community college, and other collegial institution that grants

associate of arts or baccalaureate or higher degree to individuals who graduate from the nursing program”. The revised definition makes no reference to school’s accreditation.

Brief summary of changes made since the last meeting for clarity and consistency are:

- Changed “NCLEX” back to previous language “licensing examination”.
- Changed “Schools of Nursing” or school to “nursing program”.
- Changed the five content areas in 1426(d), to nursing areas of “geriatrics, medical-surgical, mental-health/psychiatric nursing, obstetrics, and pediatrics” to reflect the practice areas.
- Combined definition of “Education program” into “Course of instruction” and deleted the definition.
- Revised Sections 1426.1 Preceptorship and 1430 Previous Education Credit.

MSC: Beecham/Harrison that the Board approve Proposed Amendments and Additions to Regulations, Title 16, Division 14, Article 3, California Code of Regulations, Schools of Nursing. 5/0/0

#### **10.4 Accept/Not Accept Feasibility Study for Simpson University Baccalaureate Nursing Program.**

M. Bedroni presented this report

Simpson University is a faith-based university located in Redding, California. Simpson University is regionally accredited by the Western Association of Schools and Colleges (WASC).

Originally located in San Francisco, Simpson University relocated to Redding in 1989. This feasibility study includes a good description of the emergent health and educational needs of the area. In close proximity to this new proposed program is a local community college, Shasta College, offering an RN and LVN programs and one proprietary college, Lake College, offering an LVN program. The closest BSN program to the proposed program is California State University, Chico, approximately 75 miles away.

The feasibility study also includes a description of the expansion of health care facilities in the area. Clinical agencies evaluated for clinical experiences include acute care hospitals, long term facilities, ambulatory care centers, hospice, and psychiatric treatment centers.

Since it is a small community Simpson University have been collaborating with clinical sites for clinical placement and have obtained letters of support and clinical verification forms; however creative scheduling would be needed. Employers are supportive of this new program due to a great concern over the nursing shortage, particularly the need for baccalaureate prepared nurses in that particular geographic area.

Simpson University is proposing a four year baccalaureate program. The curriculum includes a strong Christian studies core as well as background in science and humanities. As planned the curriculum will have 59 nursing units (31 theory & 20 clinical). The total units for graduation will be 129 units. A target enrollment of 20 students as the initial class is planned for fall 2010. Twenty students will be admitted to the program twice a year with a total of eighty (80) students by spring 2014.

MSC: Beecham/Dutton that the Board Accept Feasibility Study for Simpson University Baccalaureate Nursing Program. 5/0/0

## 10.5 Accept/Not Accept Feasibility Study for Western Governors University Baccalaureate Nursing Program.

M. Bedroni presented this report

WGU is the first online university, completely competence-based, and the first one to be funded through a multi-state gubernatorial partnership. It incorporated 11 years ago as a private, non profit university. Headquarter is located in Salt Lake City, Utah.

WGU is accredited by WASC, and several other accrediting agencies. WGU is comprised of four online colleges: the Teachers College, the College of Business, the College of Information Technology, and the College of Health Professions. The proposed program will be under the College of Health Professions. This college already has existing competence-based nursing programs, including a RN to BSN program, a MSN in Leadership/Management, and the MSN in Education programs. These programs were recently visited by CCNE; accreditation report is pending.

As submitted the feasibility study proposes a generic nursing baccalaureate program serving Los Angeles, Riverside and Orange counties. The program is a collaborative effort among WGU, its hospital corporation's partners, a private funding foundation, and state workforce agencies. The partners include WGU, the Robert Wood Johnson Foundation, California Labor and Work Force Development Agency, and major hospitals, including Hospital Corporation of America, Tenant Healthcare, Kaiser Permanente, and Cedars-Sinai Medical Center.

The program proposed is a generic baccalaureate program offered through WGU, which utilizes competency-based education, distance learning and advanced technology, both computer and clinical technology. The curriculum consists of a set of competencies, objectives, assessments and a course of study for each curricular area. These competencies were derived from a comprehensive set of national, professional, state and institutional standards entered into a standards database, along with input from professional nursing leaders who indicated what knowledge, skills, and dispositions a competent, caring nurse should possess. These competencies will be regularly reviewed, can be added, deleted and modified as warranted. Competencies are then mapped to the standards and program crosscutting themes to ensure congruency.

The program will utilize a model for clinical education adapted from models that have been successful in two sites in Texas both using the clinical coaching model and clinical instructors. In the WGU model students have a WGU academic **mentor** (faculty), a faculty subject matter expert who facilitates an online learning community, a qualified **clinical faculty** member and an individual **clinical coach**. The clinical faculty and the clinical coach will be employees of the nursing staff provided by the hospital partner.

The students will be assigned to a **clinical coach** in the unit which the coach provides clinical care. The student and the clinical coach will work together to provide clinical care to the four patients assigned to the clinical coach. The coach will be required to meet the qualification of a clinical teaching assistant. The WGU academic mentor is responsible for overseeing the clinical cohorts and their clinical faculty.

The BSN curriculum includes domains, sub-domains, and competencies. There are two major domains Nursing Science and Nursing Theory and Practice. The Nursing Theory



and Practice Domain consists of didactic and clinical competencies in the major areas of nursing medical –surgical, obstetrics, pediatrics, psychiatric/mental health, and geriatrics. The Nursing Science domain includes five sub-domains: Pharmacology, Organizational Systems and Quality Leadership, Informatics, Evidence Based Practice and Applied nursing research, and Professional Roles and Values.

The proposed program will include 120 academic credits, 25 of which are natural, behavioral and social sciences, 9 academic credit of communication skills and 35 CU of pre licensure theory course and 18 CUs of prelicensure clinical courses and 20 CUs of upper Division courses

They will have an additional office in California that will be staffed by the California Director. A letter was sent to WGU identifying concerns regarding this feasibility, WGU responded clarifying all areas of concern.

MSC: Beecham/Harrison that the Board Accept Feasibility Study for Western Governors University Baccalaureate Nursing Program. 5/0/0

#### **10.6 Approve/Not Approve Goals and Objectives for 2009- 2011**

M. Minato presented this report

Biennially committee goals and objectives were reviewed and revised as needed. The proposed Goals and objectives for calendar year 2009-2011 were attached.

The goals and objectives from 2007-09 have been updated and revised. The major changes were italicized and underlined in the document submitted for review. Objectives were reordered Goals 3, 5 and 6. The changes are summarized below.

- 1.1 Revised and combined public health nurse certificate requirement.
- 1.3.1 Added a goal to ensure that professional roles are introduced early and are practiced throughout the curriculum.
- 2.1 Expanded to reflect supportive roles the Board plays in development of partnerships.
- 3.2 Included collection of data on use of simulation in nursing education.
- 4.7, 4.8 Added to maintain communication with advanced practice programs and to address concerns pertinent to advanced practice.

MSC: Harrison/Dutton that the Board Approve Goals and Objectives for 2009- 2011. 5/0/0

#### **10.7 Information Only - BRN 2007-08 Annual School Report**

M. Minato presented this report

The BRN 2007-2008 Annual School Survey was conducted from October 1, 2008 to November 17, 2008. The survey was conducted on behalf of the Board by the Research Center at the University of California, San Francisco. The next step is to post the final report on the BRN's Website.

#### **10.8 Information Only - 2008 Goal Achievement Report**

M. Minato presented this report

Annually the committee reviews the activities of the previous calendar year in relation to meeting their stated goals and objectives. A report detailing the achievements of ELC Goals and Objectives for 2008-2009 and summary of activities was attached.

Below is a summary of educational program activities related to continuing approval of nursing programs as well as review of new program approvals.

- A total of thirteen (13)-nursing programs were reviewed in 2008: twelve (12) pre-licensure programs (2 BSN, 10 ADN); and one (1) advanced practice program (NP).
- The regular Interim visits were conducted as scheduled to a total of 22 prelicensure programs (7 BSN/ELM and 15 ADN). NEC's reviewed program's curriculum while conducting program review.
- Twenty (20) letters of intent for new prelicensure programs were submitted during 2008.
- Twelve (12) feasibility studies were reviewed by ELC and accepted six (6) new proposals (1 ELM; 4 BSN; and 1 ADN) and six (6) feasibility studies were deferred or not accept, including two programs that submitted their feasibility study twice.
- Seven (7) new programs were granted initial approval (1 ELM; 3 BSN; 3 ADN, including 1 LVN-RN program). This number includes one university that opened three separate BSN programs.

#### 10.9 Information Only: NCLEX Pass Rate Update

M. Minato presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

##### NCLEX RESULTS – FIRST TIME CANDIDATES

January 1, 2008 -December 31, 2008

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	9,721	87.58
United States and Territories	129,114	86.73

##### CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year January 1, 2008 – December 31, 2008

1/01/08-3/31/08		4/01/08-6/30/08		7/01/08-9/30/08		10/01/08-12/31/08		1/01/08-12/31/08	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
3,031	89.21	1,850	88.05	4,097	87.33	743	81.16	9,721	87.58

*\*Includes (4), (7), (9) and (7) "re-entry" candidates*

#### 11.0 Report of the Nursing Practice Committee

S. Phillips, Chairperson

#### 11.1 Information Only: Report on Practice Committee Goals and Objectives

J. Wackerly presented this report

#### Goal 1.

**In support of the consumer's right to quality care, identify and evaluate issues related to registered nursing tasks being performed by unlicensed assistive personnel.**

- 1.1 Take an active role in activities conducted by other agencies and organizations related to unlicensed assistive personnel.

Respond to public inquiry regarding administration of insulin to school children by unlicensed school personnel based on Board approved information which is also available on the Board's website. The document is titled "Administration of Insulin in Schools by Unlicensed Personnel" approved by the Board November 30, 2007. The document was developed in response to the California Department of Education (CDE) legal advisory on rights of students with diabetes in K-12 in California Public School.

November 14, 2008, in Superior Court Sacramento Judge Lloyd Connelly issued a court decision that unlicensed school personnel are not legally authorized to administer insulin contrary to the Department of Education Legal Advisory.

**Goal 2.**

**Promote patient safety as an essential and vital component of quality nursing care.**

- 2.1 Engage and dialogue with recognized national experts in supporting patient safety in what individuals and organizations have done and what remains to be done. For example just culture and root cause analysis, failure mode and effect analysis, human factor and systems factor.
- 2.2 Monitor patient and resident safety activities as a component of quality nursing care such as health care errors, competency, patient outcomes, stakeholders, nursing shortage, ethics, lifelong learning, nursing standards, licensure, safety legislation, magnet hospitals.

Board staff worked with the Department of Public Health, Licensing and Certification, Pharmacy and Nursing representatives to verify and clarify nursing students authority in Business and Profession Code, BPC, § 2729. An informational statement "Clinical Learning Experiences Nursing Students" was sent hospitals and nursing schools regarding nursing student practices authorized by BPC 2729 and added to the Board's website.

**Goal 3.**

**Develop and implement processes for the Board to interact with stakeholders to identify current trends and issues in nursing practice and the health care delivery system.**

- 3.1 Actively participate with other public and private organizations and agencies involved with health care to identify common issues and to promote RN scope of practice consistent with the Nursing Practice Act and ensuring consumer safety.

The Committee reviewed the policy developed by the Center for American nurses: Lateral Violence and Bullying in the Workplace. In its statement, the Center defines bullying and lateral violence, disruptive behavior, culture of safety, workforce bullying and verbal abuse. The Center adopted position statements which recommended strategies that nurses, employers/organizations, continuing education and academic programs and nursing researchers can employ to eliminate lateral violence and bullying.

The Committee reviewed CMS February 8, 2008, Hospital Revised Interpretive Guidelines for Hospitals Condition of Participation (Medicare). Sections pertaining to registered nursing practice included influenza and pneumococcal vaccines; verbal orders with nationally accepted read-back verification practice to be implemented for every verbal order; accepting verbal orders by persons authorized to receive verbal orders; patient medical records entries; drugs and biologicals kept in a secure area and locked when appropriate; and pre-post anesthesia evaluation requirements.

Attended Association of Nurse Leaders, ACNL 30<sup>th</sup> Annual Program, Leadership on Track, February 10-13, 2008, Rancho Mirage, CA.

Attended California Nursing Outcomes Coalition (CalNOC), program titled “Radical Transformation of Nursing Performance Improvement: Responding to Exploding Measurement Demands” April 8-9, 2008.

Attended the 6<sup>th</sup> Annual Meeting and Conference- “Taking the Long View: Retention of Nurses within the Profession and within the Workplace” held in Denver, Colorado June 11-12, 2008.

#### **Goal 4.**

##### **Identify and implement strategies to impact identified trends and issues.**

- 4.1 Provide timely written and/or verbal input on proposed regulations related to health care policies affecting nursing care.
- 4.2 Collaborate with the Education/Licensing Committee on educational issues/trends and the Legislative Committee on legislation pertaining to nursing practice.

Attended the 2008 NCLEX invitational held on Monday September 8, 2008 in Los Angeles.

Attended the California Association of Colleges of Nursing, “Evidence Based Practice in Nursing Education,” held October 6-8, 2008.

Attended California Institute for Nursing & Health Care, “Magic in Teaching III and 2<sup>nd</sup> Annual Clinical Simulation Conference,” held on November 13-14, 2008.

- 4.3 Review and revise current BRN advisory statements and recommend new advisory statements as needed to clarify standards of nursing practice.

Nurse Practitioner informational statements on the Website were updated to reflect current practice and legislation.

#### **Goal 5.**

##### **Develop and implement processes for the Board to interact with stakeholders to identify and evaluate issues related to advanced practice nursing and to promote maximum utilization of advanced practice nursing.**

5.1 Support and promote full utilization of advanced practice nurses.

The following Legislation enacted during the 2007-2008 Sessions was placed on BRN Website:

AB 139 (Bass) Chapter 158 Vehicles: Physician medical examination for school bus drivers is amended to include performance of examination by advanced practice nurses. An act to amend Section 12517.2 of the Vehicle Code.

SB 102 (Migden) Chapter 88 Blood Transfusions: nurse practitioners and nurse midwives who are authorized to order a blood transfusion and can inform the patient by means of a standardized written summary.

5.2 Monitor trends and growing opportunities for advanced practice nursing in areas of health promotion, prevention and managing patients through the continuum of care.

Attended California Association for Nurse Practitioner program titled “Bridging the Health Care Needs” held on March 7-8, 2008.

Attended The Clinical Nurse Leader Initiate in California, “Improving the Healthcare System,” August 8, 2008.

5.3 Actively participate with organizations and agencies focusing on advanced practice nursing.

The Practice Committee at its March 20, 2008, meeting reviewed:

- (a) California HfealthCare Foundation, January 2008: Scope of Practice Laws in Health Care: Rethinking the Role of the Nurse Practitioners.
- (b) The Center or the Health Professions, UCSF, 2007 Overview of Nurse Practitioner Scopes in the United States.

5.4 In collaboration with the Education/Licensing Committee remain actively involved in facilitating communication and work in progress for education/certification function and communication with advanced practice educational program directors, professional organizations, state agencies and other groups.

The following Legislation enacted during the 2007-2008 Session was placed of the BRN Website.

AB 1559 (Berryhill) Chapter 712 Post Secondary Education: authorizing Community College Registered Nursing Programs to implement multiple screening processes to evaluate applicants for admission to the nursing program, use approved diagnostic assessment tools, and to report program admissions policies to the Chancellors office.

SB 1393 (Scott) Chapter 522 Nursing Education: Prevents a registered nursing student who has a baccalaureate degree or higher degree from a regionally accredited institution of higher learning from having to complete general education requirements.

**11.2 Information and Discussion: Alignment of California APRN Rules and Regulation: National Council Model for APRN Regulation, Licensure, Accreditation, and Certification**

J. Wackerly presented this report

The Committee will evaluate the APRN Regulatory Model that includes the essential elements: licensure, accreditation, certification and education (LACE). The Committee will consult California stakeholders for readiness to discuss the components of the proposed model and discuss possible implementation strategies.

BPC Section 2725.5 Advanced practice registered nurse means those licensed registered nurses who have met the requirements including nurse practitioner (NP), nurse-midwives (CNM), nurse anesthetists (CRNA) and clinical nurse specialists (CNS) can use the title “Advanced Practice Nurse”. BRN rules and regulations for each category of advanced practice nurse defines the legal scope of practice, the roles that are recognized, the criteria for entry-into advanced practice and any certification requirements. The advanced practice nurses in California are registered nurses with a certification as an NP, CNM, CRNA, and CNS.

The APRN model identifies four roles: NP, CNM, CRNA, CNS and education for the four roles occur in an academic degree program or post graduate education. The APRN model identifies at least six population foci that include psych/mental health, gender specific, adult-gerontology, pediatrics, neonatal and individual/family across the life span. The APRN education programs are broad based including graduate-level courses in advanced physiology/pathophysiology, health assessment, and pharmacology as well as appropriate clinical experience. BRN may by regulation consider adding the foci groups specifically and recognition of the three core graduate-level courses for all advanced practice nurses.

The APRN model includes certification examination to access national competencies for the APRN core, role and at least one population foci. An individual must be congruent in terms of role and population foci. The BRN uses national certification as a method to receive California certification as an advanced practice nurse but does not mandate. Completion of a California approved advanced practice education program is utilized by the BRN for certification.

The APRN model states that individuals will be licensed as independent practitioners for practice at the level of one of the four APRN roles within at least one of the six identified population foci. BRN laws and regulations do not identify the four APRN roles as licensed independent practitioners. Licensed independent practitioners for any of the four APRN roles would require legislation.

### **11.3 Information only: AB 211 (Jones) Chapter 602: Public Health: Confidential Medical Information**

J. Wackerly presented this report

AB 211 (Jones) Chapter 602, Public Health Confidential Medical Information requires every provider of health care to implement appropriate specific safeguards to protect the privacy of patient medical information. Any licensed health care professional who knowingly, willfully obtains, discloses, or violates the use of medical information can be fined. This new law permits the director to send a recommendation for further investigation, or discipline for a potential violation, to the licensee’s licensing authority. The law requires every provider of health care to establish and implement appropriate administrative, technical, and physical safeguards to protect the privacy of a patient’s medical record.

#### 11.4 Information only: Gov. Schwarzenegger Signs the following Legislation to Protect Patients and Prevent Deadly Hospital Infections:

J. Wackerly presented this report

- a. SB 1058 (Alquist) Chapter 296 Medical Facility Infection Control and Prevention Act or Nile's Law.
- b. SB 158 (Flores) Chapter 294: Dept of Public Health (CDPH) Healthcare Associated Infection Advisory Committee
- c. SB 891 (Correa) Chapter 295: Establishes Elective Percutaneous Coronary Intervention Pilot Program at CDPH (off agenda)

The board has received numerous calls from hospital based infection control RNs and Performance Improvement RNs asking whether Standardized Procedures, policies and protocols, can be utilized to implement some requirements for infection surveillance functions.

Questions arose due to recent interpretation of Medicare and Medicaid Conditions of Participation. MAC ALERTS dated February 10, 2008 and October 26, 2008, defined "standing orders." RN's are advised that "standing orders" as outlined by CMS could be utilized to perform infection surveillance functions.

Business and Professions Code § 2725 including (c) standardized procedures, policies and protocols, developed through collaboration amongst administrators and health professionals, including physicians and nurses by an organized health care system licensed pursuant to Health And Safety Code 1250. California Code of Regulation § 1470 Standardized Procedure Guidelines states the purpose of these guideline is to:

- (a) To protect consumers by providing evidence the nurse meets all requirements to practice safely.
- (b) To provide uniformity in development of standardized procedures.

#### 11.5 Information Only: Update on Administration of Insulin by Unlicensed Personnel in Public Schools.

J. Wackerly presented this report

The court has issued a decision in the lawsuit filed by the American Nurses Association (ANA), ANA-California, California Nurses Association, and the California School Nurses Organization in response to the California Department of Education's Legal Advisory asserting that, under specified conditions, unlicensed personnel could administer insulin to students in public schools. **The decision affirms the Board's position that administration of insulin is a nursing function that cannot be performed by unlicensed individuals unless authorized by statute.** The decision reads in pertinent part:

*"Respondents' Legal Advisory on Rights of Students with Diabetes in California K-12 Public Schools is invalid and has no force or effect to the extent that it authorizes the administration of insulin to students by school personnel who are not health care professionals licensed to administer insulin within the scope of their practice under the Business and Professions Code or other persons authorized by statute to administer insulin. Respondents lack legal authority under state and federal laws to enlarge the group of persons who may administer insulin under state statutes. In addition, respondents have not complied with the rule-making requirements of the Administrative Procedure Act in authorizing the administration of insulin to students by school personnel who are not*

*authorized to administer insulin under state statutes, an authorization constituting a regulation within the meaning of the APA.”*

The attached document is now on the website and includes directions for accessing the court decision.

## **12.0 Report of the Nominating Committee**

Guillen Dutton, Chairperson

Election of Officers 2009.

N. Beecham and A. Dutton were appointed to the nomination committee. The deadline to submit letters of interest for the positions of President and Vice President for 2009 was January 17, 2009.

Pursuant to the Sturgis Rules of Order, a nomination is the formal presentation to the Board of the name of a member as a candidate for a particular office. Nominations from the floor are always permitted even if the initial nominations are made by a nominating committee or in another fashion. Nominations do not require seconds.

One nomination was received for Susanne Phillips for President, and one nomination for Elizabeth Dietz for Vice-President. No other nominations were received from the Board.

Motion made by N. Beecham to accept Elizabeth Dietz as Vice-President; unanimous decision, motion carried.

Motion made by N. Beecham to accept Susanne Phillips as President; unanimous decision, motion carried.

Susanne Phillips acknowledged LaFrancine Tate as the longest standing board member in the history of the board, serving 10 years. Hedy Dumpel, CNA and Trisha Hunter, ANAC also came forward to acknowledge a job well done by LaFrancine Tate, public member, for her commitment and leadership to consumer protection.

## **13.0 Public Forum**

No one came forward for public comment.

Meeting Adjourned at 11:50 am.

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Ruth Ann Terry, MPH, RN  
Executive Officer

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Susanne Phillips, MSN, RN, APRN-BC, FNP  
President



**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING MINUTES**

**DATE:** November 21, 2008

**TIME:** 9:00 am Both Days

**LOCATION:** The Westin Los Angeles Airport  
5400 West Century Boulevard  
Los Angeles, CA 90045  
310-216-5858 (phone) – 310-417-4545 (fax)

**PRESENT:** LaFrancine Tate, Public Member, President  
Susanne Phillips, MSN, RN, APRN-BC, FNP, Vice-President  
Andrea Guillen Dutton, Public Member  
Elizabeth O. Dietz, Ed.D., RN, CS-NP  
Janice Glaab, Public Member  
Nancy L. Beecham, RNC, BS (left at 10:30 am 11/21)  
Dian Harrison, Public Member

**ALSO PRESENT:** Ruth Ann Terry, MPH, RN, Executive Officer  
Heidi Goodman, Assistant Executive Officer  
Louisa Gomez, Manager, Licensing Standards & Evaluation  
Carol Stanford, Diversion/Probation Manager  
Stacie Berumen, Enforcement Program Manager  
Christina Sprigg, Administration Manager  
Louise Bailey, Supervising NEC  
Katie Daugherty, NEC  
Janette Wackerly, NEC  
Geri Nibbs, NEC  
Miyo Minato, NEC  
Badrieh Caraway, NEC  
Maria Bedroni, Supervising NEC  
Humberto Flores, Administrative Law Judge  
Linda Sun, Deputy Attorney General  
Alvaro Mejia, Deputy Attorney General  
Norine Marks, DCA, Legal Counsel  
Kimberly Ott, Enforcement Program  
Alcidia Valim, Recorder

**Thursday, November 20, 2008**

**1.0 CALL TO ORDER**

L. Tate, Board President, called the meeting to order at 9:00 am and had the Board Members introduce themselves. The Board welcomed students from El Camino College, Golden West College, Los Angeles Community College.

## **2.0 DISCIPLINARY MATTERS**

The Board convened in closed session pursuant to Government Code Section 11126(c)(3) to deliberate on these matters and other disciplinary matters including stipulations and proposed decisions, and pursuant to Government Code Section 11126(e)(1, 2(A)) to confer with Legal Counsel regarding pending litigation.

### **Reinstatement:**

Julia Bernard	DENIED
Wendi Evans	GRANTED
Mary Raibley	DENIED
Bruce Smith	GRANTED
Germaine Velasquez	DENIED

### **Termination of Probation:**

Aida Cruz	DENIED
Wilbert T. Ordanza	DENIED
Kam Ho	GRANTED

## **Closed Session Discussion Items**

L. Tate, Board President, called the closed session meeting to order at 12:30. The closed session adjourned at 2:45.

## **Friday, November 21, 2008**

L. Tate, Board President, called the meeting to order at 9:00 am and had the Board Members introduce themselves and also introduced new Board Member, Dian Harrison. The Board welcomed students from Biola University and Touro University of Nevada.

## **3.0 OPEN FORUM**

Trish Hunter and Hedy Dumble came forward with a comment.

## **4.0 APPROVE/NOT APPROVE MINUTES OF:**

- September 18-19, 2008, Board Meeting
- October 23, 2008, Board Meeting

MSC: Dietz/Phillips that the Board approve minutes from September 18-19, 2008. 7/0/0

MSC: Phillips/Dietz that the Board approve minutes from October 23, 2008. 7/0/0

## **5.0 REPORT ON BOARD MEMBERS' ACTIVITIES**

F. Tate attended Magic in Teaching Institute III & Annual Clinical Simulation Conference in Northern California on November 13-14, 2008. F. Tate, J. Glaab, and L. Dietz attended DCA Pact Summit conferences on November 19, 2008. S. Phillips was a speaker at the Summit for Public Safety/Protection and presented information from the BRN on "Insuring Workforce is Consumer Protection".

## **6.0 EXECUTIVE OFFICERS' REPORT ON BOARD AND DEPARTMENT ACTIVITIES**

R. Terry presented this report

## **1.0 Board's Budget Update**

Budget Change Proposal (BCP) – The Department of Consumer Affairs (DCA) has worked in conjunction with the healing arts boards to develop a comprehensive BCP for FY 2009/10 and on-going to support that all licensees are fingerprinted and any outstanding criminal history revealed is addressed through the administrative disciplinary process. As you are aware, the Board has added a conviction question on all renewal notices and has submitted an emergency regulation requiring all non-fingerprinted RNs to be fingerprinted at the time of license renewal, which is to begin March 1, 2009, if approved.

The BCP is requesting a special fund augmentation for the BRN for 12 additional PYs and to increase the Division of Investigation, Attorney General and the Office of Administrative Hearings budgets. The anticipated total cost of this program will be: FY 2008/09 \$594,000; FY 2009/10 \$ 2.4 million; FY 2010/11 and on-going \$2.3 million. The Board will absorb all start-up costs associated with the new requirement this fiscal year and will be required to absorb \$500,000 of the total cost each subsequent fiscal year.

Fund Condition/Fee Increase – As we have previously discussed, it is anticipated in FY 2011/12 the Board will begin the regulatory process for a fee increase that will take effect in FY 2012/13. Currently all the Board's fees are at the statutory minimum and the Board has not had a major fee increase since the early 1990's.

Attorney General Fee Increase – Effective July 1, 2009, the Attorney General's legal services hourly billing rate will increase. The deputy attorney general's fee will increase from \$158 per hour to \$170 per hour and the paralegal services fee will increase from \$101 per hour to \$120 per hour. An adjustment will be made to the Board's budget for FY 2009/10 to augment this increase.

## **2.0 Department of Consumer Affairs (DCA) Updates**

Board Member Orientation – In accordance with Business and Professions Code Section 453, Board Members are required to attend DCA's Board Member Orientation within one year of their appointment. Please notify the Administration Unit if you would like to attend.

Executive Order S-09-08 - The Executive Order remains in effect through June 30, 2009; however, the Governor's Office has provided alternative methods of compliance. Since DCA is a non-general fund agency it has been delegated the authority to:

- Resume hiring, transfers, and promotions of employees
- Bring back retired annuitants, permanent intermittent, seasonal, temp help, and student assistants
- Authorize overtime
- Restore suspended contracts

The Board no longer needs to submit exemption requests to DCA for the above items. Additionally, the Board has authority to initiate personnel transactions and contracts. However, since the Executive Order is still in effect, the Board will prioritize expenditures and focus on mission-critical services.

Security Kiosk – On November 3<sup>rd</sup>, the security kiosk became operational in the main lobby of DCA's headquarters building. A security guard is stationed at the kiosk counter during business hours to sign in visitors and direct them to their DCA destinations. In

addition, the security guard will also do a visual check to ensure that DCA employees have their identification card visible, and will be monitoring the parking lot security cameras. A second security guard monitors the parking lot during and after business hours.

Employee Appreciation and Customer Service Program Kick-Off – On October 7, 2008, Director Carrie Lopez invited all DCA's employees to a noon time event at DCA headquarters that included lunch and entertainment to kick-off "Sailing the Seven Cs of Customer Service". DCA's Executive Office and the Customer Service Improvement Project Team recently launched DCA's new customer service campaign that includes: committed, courteous, clear, correct, complete, concise, concerned.

### **3.0 Public Record Request**

The Board continues to comply with public record request and responds within the required timeframes that are set in Government Code Section 6250. For the period of September 5, 2008 through November 10, 2008, the Board has received and processed 28 public record requests.

### **4.0 National Council State Boards of Nursing (NCSBN)**

Uniform Core Licensure Requirements (UCLR) Conference - On November 5-6, 2008, the Board participated in this conference that focused on uniformity and portability of nurse licensure throughout the United States and U.S. territories. A representative from the National Governors Association provided an update on E-Health Alliance's Interstate Licensing Recommendations to the States that included telehealth practice across state lines and establish core credentialing requirements, that includes criminal background checks at the state and federal level. The 2008 Delegate Assembly adopted a resolution to review the UCLR's for currency and relevance in today's regulatory arena and the findings on these issues will be presented at the 2009 Delegate Assembly in Philadelphia, PA.

### **5.0 Magic in Teaching Institute III & 2<sup>nd</sup> Annual Clinical Simulation Conference, Northern CA**

On November 13-14, 2008, the BRN in conjunction with the California Institute of Nursing and Healthcare presented "Redesigning Nursing Education in the 21<sup>st</sup> Century". The goal of the conference was to provide an opportunity for nurse educators from academia and clinical settings to learn together and share ideas for designing and creating optimal learning experiences based on evidenced-based practices. The second day focused on integrating simulations into nursing curricula and nursing practice. There were 275 attendees representing 40 California nursing programs and 20 clinical facilities. The same conference will be held in Southern California, March 11-12, 2009.

### **6.0 Personnel**

The following personnel changes have transpired since the last Board Meeting:

<b>New Hires</b>	<b>Classification</b>	<b>Board Program</b>
Julie Campbell-Warnock	Research Program Specialist	Administration

## **7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE**

L. Tate, Chairperson

### **7.1 Information Only: Presentation of findings for The Movement of RNs into and out of California, a report by UCSF Center for California Health Workforce Studies**

R. Terry presented this report

In an effort to better understand the movement of nurses into and out of California, the California Board of Registered Nursing contracted with the University of California, San Francisco, Center for California Health Workforce Studies to conduct a comprehensive survey of nurses who requested endorsement of their nursing licenses into and out of California between August, 2007 and January, 2008.

Dr. Joanne Spetz, Ph.D., Associate Professor in the School of Nursing and Associate Director for the Center for California Health Workforce Studies, University of California, San Francisco and Ms. Renae Waneka, Research Analyst and lead on this project presented a summary of the survey findings to the Board today.

### **7.2 Information Only: Appointment of Nomination Committee**

R. Terry presented this report

Nominations and Elections:

A nomination is the formal presentation to the Board of the name of a member as a candidate for a particular office. Nominations from the floor are always permitted even if the initial nominations are made by a nominating committee or in another fashion. Nominations do not require seconds.

Board Members who are interested in serving as officers should submit a letter of interest to the chair of the Nominating Committee by the date requested by the committee. Andrea Guillen Dutton is the chair and Nancy Beecham is co-chair. Nominations were due by January 17, 2009.

### **7.2 Information Only: Update on Emergency Regulations Concerning Fingerprinting**

R. Terry presented this report

The Fingerprinting Regulation Package is in process. The anticipated processing timeline is as follows:

November 3, 2008	Notice sent to stakeholders announcing the emergency regulation.
November 12, 2008	Final approved package sent to OAL.
November 26, 2008	OAL decision (10 working days).
November 26, 2008	If OAL approves emergency regulation; it will be effective this day.
End of May 2009	The Board has 180 days for the normal regulation process that must be completed by this date.

## **8.0 REPORT OF THE LEGISLATIVE COMMITTEE**

L. Tate, Chairperson

## **8.1 Information Only: Update on Bills of Interest to the Board**

L. Bailey presented this report

AB 211 Jones: California Department of Public Health

Support – Chaptered 602

AB 994 Parra: Health Care: Nurse training scholarship pilot program

Support – Chaptered 602

AB 1605 Lieber: California Conference of Local Health Dept

Support – Vetoed

AB 2637 Eng: California Dental Association

Oppose – Chaptered 499

AB 2649 Ma: Neuropathy Foundation

Support – Vetoed

SB 1393 Scott: Nursing Programs

Support – Chaptered 175

SB 1441 Ridley-Thomas: Healing Arts Practitioners: Alcohol and Drug Abuse

Support – Chaptered 283

SB 1621 Ashburn: Nursing Education

Support – Chaptered 602

SB 1779 Committee on Business, Professions and Economic Development: Healing Arts

Support – Vetoed

## **9.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE**

A. Dutton, Chairperson

### **9.1 Information Only: Enforcement Program Update and Statistics**

S. Berumen presented this report

PROGRAM UPDATE: The board is in the process of adding the conviction question to the renewal form which will ask licensees whether or not they have been convicted of a crime since the last time they renewed their license. The board's request was submitted to the department in mid-August and it is anticipated the requested changes will be implemented with the renewal forms mailed out the end of October 2008 for licenses that were due to expire January 2009.

It is uncertain how many additional complaints will result by asking this question but it is anticipated that this could significantly increase the workload in Enforcement.

STATISTICS: A copy of the Enforcement Program statistics for the first quarter of the fiscal year (July through September 2008) was provided for review.

Early projections show that the number of complaints received could be the highest the board has ever received at 4,304 which is 10% higher than last year's record number of 3,900.

The number of citations issued is projected to increase by over 71% from last year due to licensees who have not complied with their continuing education audit requirement for license renewal. Additionally, citations could increase for those renewal applicants who fail to disclose a conviction on their application; but their conviction does not rise to the level of pursuing disciplinary action. It should be noted that this increase may be far greater than we are projecting as this is only the first quarter of the fiscal year.

## 9.2 Information Only: Diversion Program Update and Statistics

C. Stanford presented this report

PROGRAM UPDATE: The Diversion Program Manager assisted with amendments to SB 1441 regarding the Diversion Program that was signed into law by the Governor on September 28, 2008. In 2009 the Department of Consumer Affairs will develop a Substance Abuse Coordination Committee that will formulate uniform and specific standards for managing substance-abusing licensees. It also requires that all of the Diversion Programs be audited by 2010.

CONTRACT UPDATE: On October 3, 2008, a hearing was held in the Superior Court of Sacramento regarding a tentative ruling on the Petition for Writ of Mandate filed by Compass Vision protesting the award of the Diversion Program contract to Maximus. The outcome from the hearing is pending.

DIVERSION EVALUATION COMMITTEES (DEC): There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

STATISTICS: A copy of the Monthly Statistical Summary Report for July and August 2008 was provided for review. As of August 31, 2008 there were 1,335 successful completions in the Diversion Program.

## 9.3 Information Only: Probation Program Update and Statistics

C. Stanford presented this report

PROGRAM UPDATE: The BRN has had to monitor over 470 in-state probationers with only four probation monitors. There are also an additional 167 probationers living out-of-state whose cases are currently tolled. The addition of another probation monitor will help alleviate some of the caseload of the other monitors in the program.

Of the in-state cases being monitored, 84 of the probation cases are currently referred to the Attorney General's Office for additional disciplinary actions and 36 have been disciplined since January 2008.

STATISTICS: Below are the current statistics for the Probation Program through October 6, 2008.

MALE	120
FEMALE	357
CHEMICAL DEPENDENCY CASES	266
PRACTICE CASES	160
SOUTHERN CALIFORNIA	242
NORTHERN CALIFORNIA	235
PENDING AT THE AG	84
ADVANCED CERTIFICATES	38
REVOKED OR SURRENDERS (July – Oct. 6. 2008)	12
<b>TOTAL IN-STATE PROBATIONERS</b>	<b>477</b>

**9.4 Diversion Evaluation Committee: (a) Approve/Not Approve: Diversion Evaluation Committee Member Appointment/Transfer; (b) Information Only: Diversion Evaluation Committee Member Resignation**

C. Stanford presented this report

In accordance with Business and Professions Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees (DEC). Each DEC is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

**(a) APPROVE/NOT APPROVE: Diversion Evaluation Committee Member Appointment/Transfer**

**Committee Member Appointment:**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Frank Hall	Nurse	North Coast	11

**Diversion Evaluation Committee Member Transfer:**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Deborah Steele	Nurse	Fresno	5

**(b) INFORMATION ONLY: Diversion Evaluation Committee Member Resignation**

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Raymond Jones	Nurse	North Coast	11

(a) MSC: Dietz/Phillips that the Board approve Diversion Evaluation Committee Member Appointment. 7/0/0

MSC: Phillips/Dietz that the Board approve Diversion Evaluation Committee Member Transfer. 7/0/0

**10.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE**

E. Dietz, Chairperson

**10.1 Ratify Minor Curriculum Revisions**

M. Minato presented this report

According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

Minor Curriculum revisions include the following categories:

- Curriculum changes
- Work Study programs
- Preceptor programs
- Public Health Nurse (PHN) certificate programs
- Progress reports that are not related to continuing approval
- Approved Nurse Practitioner program adding a category of specialization



The following programs have submitted minor curriculum revisions that have been approved by the NECs:

- California State University, Bakersfield, Baccalaureate Degree Nursing Program
- California State University, Channel Islands, Baccalaureate Degree Nursing Program
- California State University, Stanislaus, Baccalaureate Degree Nursing Program
- University of California, Los Angeles, Baccalaureate Degree Nursing Program, and Entry Level Master's Degree Option
- University of San Francisco, Baccalaureate Degree Nursing Program and Entry Level Master's Degree Option
- Butte College Associate Degree Nursing Program
- Golden West College Associate Degree Nursing Program
- Modesto Junior College Associate Degree Nursing Program

Progress report on the following programs by the NECs have been made:

- California State University, Channel Islands, Baccalaureate Degree Nursing Program
- Concordia University, Irvine, Accelerated Baccalaureate Degree Nursing Program
- College of the Siskiyous, LVN to RN Associate Degree Nursing Program
- San Joaquin Valley College LVN to RN Associate Degree Nursing Program

MSC: Phillips/Harrison that the Board Ratify Minor Curriculum Revisions. 7/0/0

## **10.2 Approve/Not Approve: Education/Licensing Committee Recommendations**

M. Minato presented this report

The Education/Licensing Committee met on October 16, 2008 and makes the following recommendations.

### **A. Continue Approval of Nursing Program**

- National University Baccalaureate Degree Nursing Program
- Fresno City College Associate Degree Nursing Program
- Mendocino College Associate Degree Nursing Program

### **B. Approve Major Curriculum Revision**

- Los Angeles County College of Nursing and Allied Health Associate Degree Nursing Program

MSC: Phillips/Dutton that Board approve Education/Licensing Committee Recommendations. 7/0/0

## **10.3 Accept/Not Accept Feasibility study for Concorde Career College North Hollywood (CCCNH) Associate Degree Nursing Program.**

M. Minato presented this report

### **BACKGROUND:**

Concorde Career College of North Hollywood submitted the first version of the feasibility study July 2007. A detailed letter was sent to the program indicating the areas that needed

further clarification. The second revised revision was presented to the ELC last March 2008. At the time the, the ELC deferred action. This last revision was submitted August 2008.

CCCNH is a privately owned institution, for profit, located in North Hollywood and serving other surrounding cities of Los Angeles County. The college consists of 30,000 square foot building. There are three computer labs. There are apparently sufficient spaces allocated for the director, secretary, skills lab and students. Other resources such as a library are available to students.

CCCNH is accredited by the Accrediting Commission of Career Schools and Colleges of Technology (ACCSCT).

Concorde had approval from the Bureau of Private Post Secondary and Vocational Education (BPPVE). However, this agency is no longer in existence, and therefore, this institution does not currently have the ability grant degrees.

The program has reconsidered the service area to a 25-mile radius from the school and identified 47 vocational programs, 14 associate career programs and four BSN programs within this 25- mile radius.

In preparation for this program CCCNH conducted their own feasibility study. The summary statement of that document clearly stated that only five of the 12 acute hospitals expressed their openness to discuss placement of students in their clinical area. It, also, stated that there are limiting numbers of clinical slots in acute care hospitals in the area.

CCCNH proposes an Associate Degree Nursing Program of one year and two months. They called it the "Generic Option". This option will have 60 weeks in length, consisting of six (6) ten (10) weeks terms. The program will have 75.5 units. Twenty one (21) semester units of nursing theory and eighteen (18) semester units for clinical.

There is also a "Bridge Option" with 77.5 semester units. LVNs entering this program will be given for thirteen units for LVN licensure and their education. The curriculum does not have all the required subject matter. Currently the program has completed an articulation agreement with a private university, University of Phoenix, for transferability of units.

Concorde proposes to admit the first cohort of 30 students in the first quarter of 2009. Therefore, the program will enroll 60 students per year. The program plans to recruit faculty as the curriculum is developed and to have a ratio of 15 students/per faculty

CCCNH has allocated \$325,000 for start up cost of the proposed program and the Hollywood campus in addition to the parent corporation state that they will be able to support this new program.

The major areas of concern for this proposed program are: their ability to grant degrees, clinical placement, resources, faculty recruitment, proposed curriculum and transferability of units and accreditation.

MSC: Phillips/Dutton that the Board Not Accept Feasibility Study for Concorde Career College North Hollywood (CCCNH) Associate Degree Nursing Program. 7/0/0

#### 10.4 Information Only: NCLEX Pass Rate Update

K. Daugherty presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

##### NCLEX RESULTS – FIRST TIME CANDIDATES

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	9,660	87.22
United States and Territories	128,288	86.67

October 1, 2007 -September 30, 2008

##### CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year October 1, 2007 – September 30, 2008

10/01/07- 12/31/07		1/01/08- 3/31/08		4/01/08- 6/30/08		7/01/08- 9/30/08		10/01/07- 09/30/08	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
682	75.37	3,031	89.21	1,850	88.05	4,097	87.33	9,660	87.22

*\*Includes (9), (4), (7) and (9) "re-entry" candidates*

*4/1/07 Passing standard increased to -0.21 logits & revised NCLEX-RN Test Plan implemented.*

The Nursing Education Consultants monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year, if there is substandard performance (below 70% pass rate for first time candidates), the NEC requests that the program director submit a report outlining the program's action plan to address this substandard performance. Should this substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

#### 11.0 Report of the Nursing Practice Committee

S. Phillips, Chairperson

#### 11.1 Approve/Not Approve: Revised Statement "Administration of Insulin in Schools by Unlicensed Personnel"

G. Nibbs presented this report

As a result of the successful lawsuit, this agenda item has been postponed until an official decision is rendered in the suit. The Board will post the decision on the website for interested individuals. Not action needed.

#### 11.2 Approve/Not Approve: BRN Statement "Clinical Learning Experiences: Nursing Students"

J. Wackerly presented this report

Business and Professions Code § 2729 Services by Student Nurses, states that nursing services may be rendered by a student when these services are incidental to the course of study and the nursing student is enrolled in a board approved program. The Board of Registered Nursing is statutorily authorized to interpret, implement, and enforce the Nursing Practice Act and its regulations. The statement on "Clinical Learning Experiences Nursing Students" is proposed to clarify the authority for nursing practice provided by a student nurse.

It has come to the boards attention that their have been restrictions placed on nursing student's ability to perform clinical functions especially those involving medication administration in acute care hospitals. This information was obtained from California acute care hospitals and California registered nursing educational programs. There has been an effort to categorize nursing students enrolled in a board approved nursing program as unlicensed assistive personnel. There were questions about whether the nursing student could access an electronic medication dispensing machine, in the processes related to administering medication to assigned patients. Questions were also raised about supervision of nursing students during the administration of medications.

MSC: Glaab/Dietz that the Board Approve BRN Statement "Clinical Learning Experiences: Nursing Students". 7/0/0

R. Terry made a statement of correction in reference to AB2637 California Dental Association Bill that was chaptered. CRNAs are not in violation because the law gives them authority to teach the dental assistants.

#### 12.0 Public Forum

Hermina Parks, Director of Public Health Nursing in Riverside came forward with comment.

Meeting Adjourned at 10:55 am.

Ruth Ann Terry M.P.H., R.N.  
Ruth Ann Terry, MPH, RN  
Executive Officer

LaFrancine W Tate  
LaFrancine Tate  
President